



To the Honorable Council
City of Norfolk, Virginia

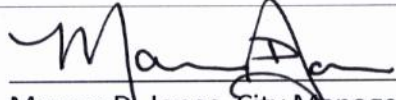
June 14, 2016

From: Kristen M. Lentz, P.E., Director of Utilities

Subject: License Agreement with Western Tidewater Water Authority for operation and maintenance of a raw water main

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: N/A

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-21**

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** City of Norfolk, Department of Utilities

III. **Description:**

This agenda item is an ordinance to approve a license agreement between the City of Norfolk (the "City") and the Western Tidewater Water Authority (the "Authority") for the operation and maintenance of a raw water transmission main (the "main") across City property located in the City of Suffolk ("Suffolk").

IV. **Analysis**

Suffolk holds a 20' Public Utility License granted by the City in 2013 for access to the main located on City property in Suffolk. The Authority is acquiring ownership of the main from Suffolk and has requested that the City grant the Authority a 20' Public Utility License coterminous with the license held by Suffolk. The license agreement will allow the Authority to operate and maintain the main for transfer of water from the City's Western Branch pump station to Suffolk's water treatment plant.

V. **Financial Impact**

There is no cost associated with this license.

VI. **Environmental**

There will be no environmental impact as a result of this license agreement.

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action

N/A

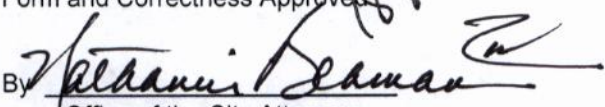
IX. Coordination/Outreach

This letter and ordinance have been coordinated with the Department of Utilities and the City Attorney's Office.


Supporting Material from the City Attorney's Office:

- Ordinance
- License Agreement
- Exhibit Plat

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved:

By 
DEPT. Utilities

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING A LICENSE AGREEMENT WITH THE WESTERN TIDEWATER WATER AUTHORITY FOR THE OPERATION AND MAINTENANCE OF A RAW WATER MAIN ACROSS CITY OF NORFOLK PROPERTY LOCATED IN THE CITY OF SUFFOLK.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the terms and conditions of a License Agreement ("Agreement") between the City of Norfolk ("Norfolk") and the Western Tidewater Water Authority ("Authority"), a copy of which is attached hereto as Exhibit A, whereby Norfolk permits Authority to operate and maintain a raw water main across City of Norfolk property located in the City of Suffolk, are hereby approved.

Section 2:- That the City Manager and other proper officers of the City are authorized to execute the Agreement on behalf of the City.

Section 3:- That the City Manager is further authorized to correct, amend or revise the Agreement as he may deem necessary in order to carry out the purposes as stated therein.

Section 4:- That this ordinance shall be in effect from and after the date of its adoption.

EXHIBIT A TO ORDINANCE

LICENSE

THIS LICENSE, made and entered into this ____ day of _____ 2016, by and between the **CITY OF NORFOLK, VIRGINIA** ("Norfolk"), a municipal corporation of the Commonwealth of Virginia, and the **WESTERN TIDEWATER WATER AUTHORITY** ("Authority"), a public body corporate and politic of the Commonwealth of Virginia.

WHEREAS, the City of Suffolk ("Suffolk"), holds a 20' Public Utility License granted by Norfolk for access across a certain parcel of property owned by Norfolk known as Tax Map & Parcel Number 18*12A in order to operate and maintain a raw water transmission main, which is shown on the attached plat entitled "Plat Showing 20' Public Utility License" dated January 14, 2013, and made by Rouse-Sirine Associates, Ltd. ("Licensed Area").

WHEREAS, Authority will acquire ownership of the raw water transmission main from Suffolk and has requested that Norfolk grant the Authority a 20' Public Utility License coterminous with the Licensed Area of the license held by Suffolk.

NOW, THEREFORE, THIS LICENSE AGREEMENT, WITNESSETH: That in consideration of the premises and the sum of Ten Dollars (\$10.00), and other good and valuable consideration, Norfolk, to the extent that its title permits and without warranty, hereby grants to Authority a license, revocable and terminable as hereinafter provided, within the Licensed Area designated by diagonal lines and designated as "20' Public Utility License," containing 609 sq. ft./0.014 ac., as shown on the aforementioned plat, across the property owned by Norfolk known as Tax Map & Parcel 18*12A.

1. It is understood and agreed that this License and the privilege it confers shall have commenced on the earlier of (i) the date indicated above or (ii) the date Authority acquired ownership and possession of the raw water transmission main within the Licensed Area from Suffolk.

2. It is understood and agreed that this License and the privilege it confers may be revoked and terminated at the option of Norfolk. Norfolk reserves the right to revoke this License at any time for any reason upon thirty (30) days written notice. If not previously terminated hereunder, this License and the privileges it confers shall terminate and extinguish at midnight on June 30, 2048. At the end of such term, this License shall terminate unless Norfolk agrees to renew for an additional term of years.

3. Authority shall and will at all times hereafter be responsible for any and all damages, losses, claims, demands, suits, costs or expenses ("Claims") arising directly or indirectly by reason of the use of said Licensed Area and Norfolk shall have the right to seek compensation from Authority for any such Claims incurred by Norfolk.

4. A copy of this license is to be recorded in the Clerk's Office of the Circuit Court of the City of Suffolk, Virginia.

IN WITNESS WHEREOF, the City of Norfolk, a municipal corporation of the Commonwealth of Virginia, and the Western Tidewater Water Authority, a political subdivision of the Commonwealth of Virginia, have hereunto caused this instrument to be signed by its duly authorized officers,

(SIGNATURES ON FOLLOWING PAGES)

CITY OF NORFOLK

By: _____ (SEAL)
City Manager

Attest:

City Clerk

**COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:**

I, _____, a Notary Public in and for the City of Norfolk, in the Commonwealth of Virginia, whose term of office expires on the ____ day of _____, 20____, do hereby certify that Marcus D. Jones, City Manager, or his duly authorized Assistant City Manager, and R. Breckenridge Daughtrey, City Clerk, respectively, of the City of Norfolk, whose names as such are signed to the foregoing License, have acknowledged the same before me in my City and State aforesaid.

Given under my hand this _____ day of _____, 2016.

Notary Public
Registration No. _____

Approved as to Contents:

Director of Utilities

Approved as to Form and Correctness:

Deputy City Attorney

WESTERN TIDEWATER WATER AUTHORITY

By: _____
Michael D. Duman
Chairman of the Board of Directors

ATTEST:

Albert S. Moor, II
Secretary

COMMONWEALTH OF VIRGINIA
CITY OF SUFFOLK, to-wit:

I, _____, a Notary Public in and for the Commonwealth of Virginia, do certify that Michael D. Duman, Chairman of the Board of Directors, and Albert S. Moor, II, Secretary, respectively, of the Western Tidewater Water Authority, a public body corporate and politic of the Commonwealth of Virginia, whose names are signed to the foregoing License, have acknowledged the same before me.

Given under my hand this ____ day of _____ 2016.

Notary Public
My Commission Expires: _____
Registration No.: _____

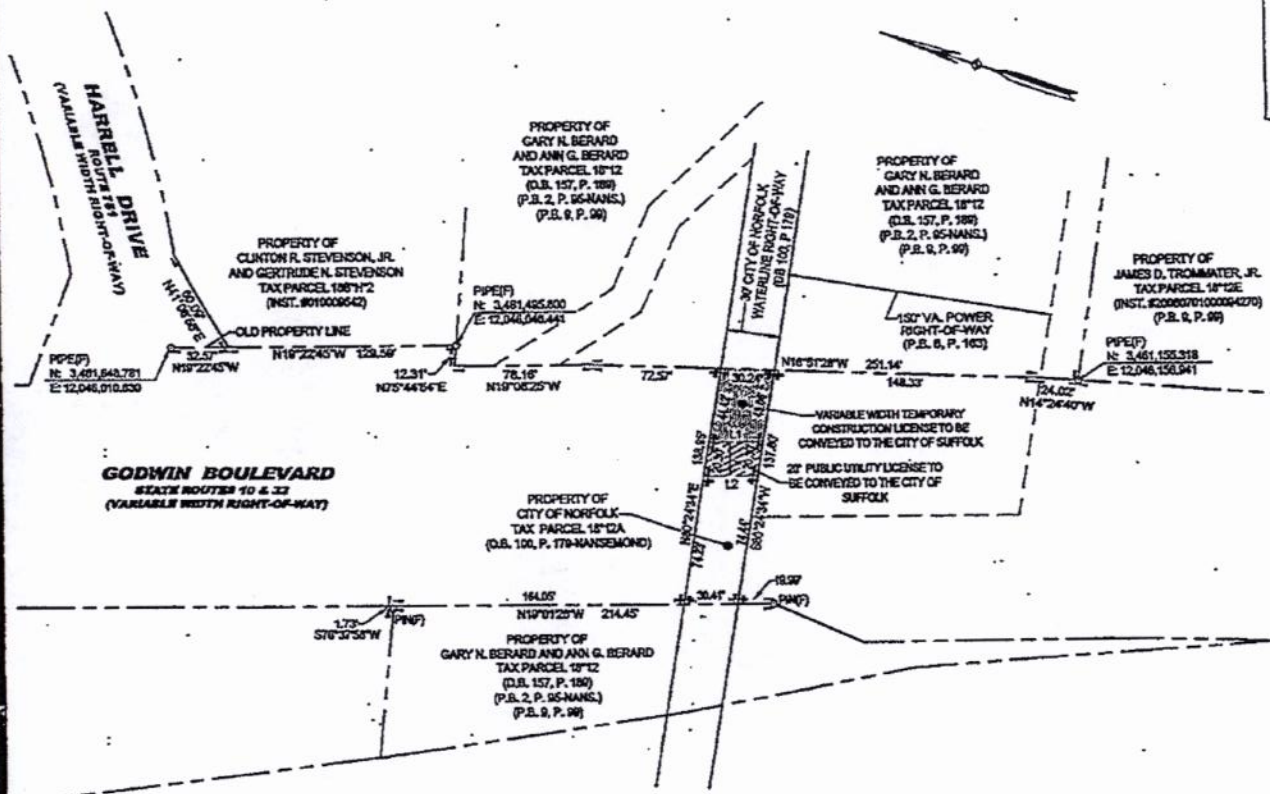
Approved as to Form:

Christopher D. Pomeroy
Attorney for WTWA

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S10°24'40"E	30.45'
L2	N10°24'40"W	30.45'

TAX PARCEL #	VARIABLE WIDTH TEMPORARY CONSTRUCTION LICENSE AREA		20' PUBLIC UTILITY LICENSE AREA	
	SQ. FT.	ACREAGE	SQ. FT.	ACREAGE
18"12A	1,312	0.030	609	0.014

FOR CITY USE ONLY



NOTES:

1. MERIDIAN SOURCE AND COORDINATES SHOWN HEREON ARE BASED ON VIRGINIA COORDINATE SYSTEM (SOUTH ZONE), NAD 1983 (1985).
2. PROPERTY LINE INFORMATION IS BASED ON VARIOUS PLATS AND DEEDS OF RECORD AND ACTUAL FIELD MEASUREMENTS.
3. THIS PLAT IS INTENDED FOR ACQUISITION PURPOSES ONLY AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.
4. EASEMENTS TO BE ACQUIRED BY DEED.

PLAT SHOWING
20' PUBLIC UTILITY LICENSE & VARIABLE WIDTH
TEMPORARY CONSTRUCTION LICENSE
TO BE CONVEYED BY
THE CITY OF NORFOLK
TO
THE CITY OF SUFFOLK
CHUCKATUCK BOROUGH - SUFFOLK, VIRGINIA
SCALE: 1"=50' NOVEMBER 4, 2011

ROUSE-SIRINE ASSOCIATES, LTD.
LAND SURVEYORS & MAPPING CONSULTANTS
www.rouse-sirine.com

333 OFFICE SQUARE LANE
VIRGINIA BEACH, VIRGINIA 23462
TEL: (757) 450-2300
FAX: (757) 450-9138

362 McLAWS CIRCLE, SUITE 1
WILLIAMSBURG, VIRGINIA 23185
TEL: (757) 903-4685
FAX: (757) 903-4469

0 25 50 100 150 FEET
GRAPHIC SCALE

SHEET 1 OF 1